

Paper 1

Mail Stop Interference
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Filed May 10, 2006

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES
(Administrative Patent Judge James T. Moore)

Travis Johnson, John McGowen,
Allyson Beuhler, Charles Kimball Brush,
and
Robert Emil Lajos
Junior Party
(Patent 6,372,813 B1),

v.

Wolfgang Pieken, Andreas Wolter,
David P. Sebesta, Michael Leuck,
Hallie A. Latham-Timmons, John Pilon,
and
Gregory M. Husar
Senior Party
(Application 09/845,742).

Patent Interference No. 105,442 (JTM)
(Technology Center 1600)

DECLARATION - Bd.R. 203(d)¹

- 1 **Part A. Declaration of interference**
- 2 An interference is declared (35 U.S.C. § 135(a)) between the above-identified
- 3 parties. Details of the application(s), patent (if any), reissue application (if any), count(s)

¹ "Bd.R. x" may be used as shorthand for "37 C.F.R. § 41.x". 69 Fed. Reg. 49960, 49961 (12 Aug. 2004).

1 and claims designated as corresponding or as not corresponding to the count(s) appear
2 in Parts E and F of this DECLARATION.

3 **Part B. Judge managing the interference**

4 Administrative Patent Judge James T. Moore has been designated to manage
5 the interference. Bd. R. 104(a).

6 **Part C. Standing order**

7 A Trial Section STANDING ORDER [SO] (Paper 2) accompanies this
8 DECLARATION. The STANDING ORDER applies to this interference.

9 **Part D. Initial conference call**

10 A telephone conference call to discuss the interference is set for **May 24, 2006 at**
11 **2:00 p.m.** (the Board will initiate the call).

12 No later than **four business days** prior to the conference call, each party shall
13 file and serve (SO ¶¶ 10.1 & 105) a list of the motions (Bd. R. 120; Bd. R. 204;
14 SO ¶¶ 104.2.1, 120 & 204) the party intends to file.

15 A sample schedule for taking action during the motion phase appears as Form 2
16 in the STANDING ORDER. Counsel are encouraged to discuss the schedule prior to
17 the conference call and to agree on dates for taking action. A typical motion period
18 lasts approximately eight (8) months. Counsel should be prepared to justify any request
19 for a shorter or longer period.

Part E. Identification and order of the parties

Junior Party

16 The senior party is assigned exhibit numbers 1001-1999. The junior party is
17 assigned exhibit numbers 2001-2999. Bd. R. 154(c)(1); SO ¶ 154.2.1. The senior party
18 is responsible for initiating settlement discussions. SO ¶ 126.1.

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1 Part F. Count and claims of the parties

2 Count 1

3 Claim 8 of 6,372,813 B1 and Claim 1 of 09/845,742

4 The claims of the parties are:

5 Johnson: Claims 1-12

6 Pieken: Claims 1-3, 8, 11-18, 21, and 25-31

7 The claims of the parties which correspond to Count 1 are:

8 Johnson: Claims 8-12

9 Pieken: Claims 1-3, 8, and 13-18

10 The claims of the parties which do not correspond to Count 1, and therefore are
11 not involved in the interference, are:

12 Johnson: Claims 1-7

13 Pieken: Claims 11, 1

14 The parties are accorded the following benefit

15 Johnson: June 25, 1999 (filing date of 09/344,620).

16 Pieken: May 1, 2001 (filing date of 09/845 742)

17 July 8, 1999 (filing date of 09/341,337)

18 January 8, 1998 (filing date of PCT/US

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1 **Part G. Heading to be used on papers**

2 The following heading must be used on all papers filed in this interference, see

3 SO ¶ 106.1.1:

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5 UNITED STATES PATENT AND TRADEMARK OFFICE

6
7
8 BEFORE THE BOARD OF PATENT APPEALS
9 AND INTERFERENCES

10 (Administrative Patent Judge James T. Moore)

11
12 Travis Johnson, John McGowen,
13 Allyson Beuhler, Charles Kimball Brush,
14 and

15 Robert Emil Lajos
16 Junior Party
17 (Patent 6,372,813 B1),

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19 v.

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21 Wolfgang Pieken, Andreas Wolter,
22 David P. Sebesta, Michael Leuck,
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24 and
25 Gregory M. Husar
26 Senior Party
27 (Application 09/845,742)

28
29 Patent Interference No. 105,442 (JTM)
30 (Technology Center 1600)

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33 **Part H. Order form for requesting file copies**

34 When requesting copies of files, use of SO Form 4 will greatly expedite
35 processing of the request. Please attach a copy of Parts E and F of this
36 DECLARATION with a hand-drawn circle around the patents and applications for which
37 a copy of a file wrapper is requested.

/James T. Moore/
Administrative Patent Judge

Enc:

Copy of STANDING ORDER
Copy U.S. Patent 6,372,813 B1
Copy of claims of 09/845,742

Revised 3 January 2006

CC:

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